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OFFICE OF PETITIONS

In re Application of :
Ying-Hsien Chen, et. al. :
Application No. 10/760,384 : **DECISION ON PETITION**
Filed: January 21, 2004 :
Attorney Docket No. CHEN3621/EM :

This is a decision on the petition under 37 CFR 1.181 (no fee), filed on March 14, 2007, requesting withdrawal of the holding of abandonment in the above-identified application.

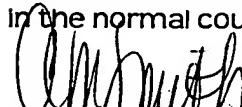
The above application was held abandoned for failure to timely respond to the non-final Office action mailed August 14, 2006, which set a three (3) month shortened statutory period for reply.

Petitioner states that a reply was in fact timely filed. To support this assertion, petitioner has submitted a copy of a return postcard receipt, which acknowledges receipt by the U.S. Patent and Trademark Office (USPTO) on February 13, 2007 of, *inter alia*, an amendment and \$1,020 check for a three month extension of time. A copy of the previously submitted reply accompanies the petition.

The amendment and extension of time have been located and are of record in the application file. Further, MPEP 503 states: that "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO." Accordingly, it is concluded that the reply was timely received in the USPTO.

In view of the above, the petition is **GRANTED** and the holding of abandonment is hereby withdrawn and the application is restored to pending status.

This application is being referred to Technology Center Art Unit 2879, for appropriate action in the normal course of business on the reply received with petition.


Andrea Smith
Petitions Examiner
Office of Petitions